IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.164 OF 2007

IN

WRIT PETITION NO.1877 OF 2006

Ashok Kumar Hingu Singh ...Appellant

vs.

Brihanmumbai Municipal Corporation ...Respondent.

Mr.K.K.Pandey i/b. R.K.Singh,for Appellant.

Mr.P.M.Palshikar i/b. M.V.Kini & Co.,for Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 14th August,2007.

P.C.:-

1. The appeal is not on board for hearing. By consent of parties, the appeal is taken on

board for hearing.

2. Heard the learned Counsel appearing for both the sides. The appellant was a driver with a public transport and while he was carrying passengers the bus met with an accident. The bus dashed the motorcycle and the rider of the motorcycle died on the spot. A departmental inquiry was held, charge of negligent driving was proved, punishment of removal from service was imposed. In the proceedings before the Labour Court, the Labour Court held that the inquiry is proper and fair, but the Labour Court directed the respondent-BMC to reinstate the appellant in service without back wages. That order was confirmed by the Industrial Court. In a writ petition filed by the respondent-BMC, the learned Single Judge has reversed the order passed by the Labour Court granting reinstatement in service without back wages, which was confirmed by the Industrial Court. The learned Single Judge has

considered all the aspects of the matter in detail and has held that the Industrial Court has found it as a fact that at the time of impact the bus was on the wrong side of the road and the road was free of traffic. The Rider of the motorcycle which was dashed, died on the spot. Therefore, the learned Single Judge has held, considering the nature of misconduct and the impact of misconduct, that the Labour Court was not justified in interfering with the punishment. We find nothing wrong with the order of the learned Single Judge. The appeal is therefore, disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)